

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings of claims in the application:

Claims 1–2 (**Cancelled**)

3. (**Currently Amended**) A ~~pharmaceutical~~ composition comprising:

- (1) a DNA molecule comprising the nucleotide sequence of SEQ ID NO:1; or
- (2) a DNA molecule that hybridizes with the nucleotide sequence of SEQ ID NO:1 under stringent conditions of 6X SSC and 40% formamide at 25°C for hybridization, and 1X SSC at 55°C for washing.

4. (**Cancelled**)

5. (**Previously Presented**) An isolated cell comprising (i) a DNA molecule comprising a reporter gene operably linked to an enhancer element comprising the nucleotide sequence of SEQ ID NO: 5 and (ii) the DNA molecule of (1) or (2):

- (1) a DNA molecule comprising the nucleotide sequence of SEQ ID NO:1; or
- (2) a DNA molecule that hybridizes with the nucleotide sequence of SEQ ID NO: 1 under stringent conditions of 6X SSC and 40% formamide at 25°C for hybridization, and 1X SSC at 55°C washing.

6. (**Previously Presented**) The cell of claim 5, wherein said cell is an adipocyte.

7. (**Previously Presented**) The cell of claim 5, wherein said cell is a hypertrophic adipocyte.

8. (**Cancelled**)

9. **(Currently Amended)** A method of screening for a substance that can induce adiponectin expression, ~~wherein the method comprises the steps of:~~
- (1) ~~(a)~~ reacting the cell of claim 5 with a test substance;
 - (2) ~~(b)~~ detecting expression of a reporter gene; and
 - (3) ~~(c)~~ selecting a test substance that yields a higher reporter gene expression in the cell treated with the test substance than in the cell that has not reacted with the test substance.
10. **(Cancelled)**
11. **(Currently Amended)** A method of screening for ~~a preventive or therapeutic pharmaceutical agent for obesity or an obesity-related disease, wherein the method comprises the steps of comprising:~~
- (1) ~~(a)~~ reacting the cell of claim 5 with a test substance;
 - (2) ~~(b)~~ detecting expression of a reporter gene; and
 - (3) ~~(c)~~ selecting a test substance that yields a higher reporter gene expression in the cell reacted with the test substance than in the cell that has not reacted with the test substance.
12. **(Currently Amended)** A method for inducing expression of adiponectin comprising administering the ~~adiponectin expression inducing agent of claim 2~~ composition of claim 3.
13. **(Currently Amended)** A method for treating ~~or preventing~~ a metabolic disease or heart disease comprising administering ~~a pharmaceutical composition that comprises the adiponectin expression inducing agent of claim 2 as an active ingredient~~ the composition of claim 3.
14. **(Currently Amended)** The composition of claim 3, wherein the DNA of (2) is a DNA encoding a polypeptide comprising the amino acid sequence of SEQ ID NO: 2 ~~or an amino acid sequence with at least 80% identity to SEQ ID NO: 2~~.

15. **(Previously Presented)** The composition of claim 3, further comprising a vector comprising the DNA molecule of (1) or (2).
16. **(Cancelled)**
17. **(Cancelled)**
18. **(Previously Presented)** The cell of claim 5, wherein said cell comprises a vector carrying the DNA of (i) and a vector carrying the DNA of (ii).
19. **(Currently Amendment)** The cell of claim 5, wherein the DNA of (2) is a DNA encoding a polypeptide comprising the amino acid sequence of SEQ ID NO: 2 ~~or an amino acid sequence with at least 80% identity to SEQ ID NO: 2.~~
20. **(Cancelled)**
21. **(Cancelled)**

REMARKS

Claim Amendments

Claims 3, 5–7, 9, 11–15, 18, and 19 are pending. Claims 3, 9, 11–14, and 19 have been amended. Claims 4, 8, 10, 16, 17, 20, and 21 have been cancelled without prejudice or disclaimer. Applicants reserve the right to pursue cancelled subject matter in continuation or divisional patent applications. Support for these amendments can be found throughout the specification and the claims as originally filed, for example, at page 9, lines 9–14; page 10, lines 12–18, 23–30; page 11, lines 14–18; page 12, lines 6–32; page 13, lines 5–21. Applicants respectfully requests entry of the above amendments to the claims and submit that the above amendments do not constitute new matter.

Interview Summary under MPEP § 713.04

In accordance with MPEP § 713.04, Applicants provide this Interview Summary. The interviews were conducted telephonically on December 14, 2009 with the Examiner Stoica and Dr. L.H. Posorske as Applicants' representative concerning the Non-Final Rejection of May 26, 2009. Applicants thank the Examiner for providing an opportunity to discuss this patent application. The Examiner and Applicants' representative discussed proposed claim amendments that would place this patent application will be in condition for allowance. Message left for Examiner on December 18, 2009

Rejoinder of Claims

Applicants respectfully request rejoinder and consideration of claims 9, 11, 12, and 13. Applicants believe that the outstanding rejections were previously addressed in the Amendment and Reply filed September 28, 2009.